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#### GROUP 1600

PTO/\$B/21 (08-00) Approved for use through 10/31/02. OMB 0651-0031 Please type a plus sign (+) Inside this box → U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of Information unless it displays a valid OMB control number. 09/194.164 **Application Number** TRANSMITTAL April 9, 1999 Filing Date **FORM** Michael DAN First Named Inventor 1842 **Group Art Unit** G. Bansal Examiner Name (to be used for all correspondence after initial filing) 316082000121 Total Number Of Pages In This Submission Attorney Docket No. ENCLOSURES (check all that apply) After Allowance Communication to Assignment Papers Fee Transmittal Form Group (for an Application) Appeal Communication to Board Ab Fee Attached Drawing(s) Appeals and Interferences Appeal Communication to Group [ Ucensing-related Papers Amendment / Reply (Appeal Notice, Brief, Reply Both Proprietary Information Petition After Final Petition to Convert to a Status Letter Affidavits/declarations Provisional Application Other Enclosure(s) (please Identify Power of Attorney, Revocation Change of Correspondence Address below): Extension of Time Request Request to Withdraw Holding of Abandonment (2 pages)
Copies of 7/9/01 Office Action Coversheet & Terminal Disclaimer Communication (2 pages) Copies of 1/9/02 Response (23 pages) Express Abandonment Request Request for Refund Copies of 1/9/02 Return Receipt Postcard and Express Mail Label (2 pages) CD, Number of CD(s) Information Disclosure Statement Remarks Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY OR AGENT Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, CA 94304-1018 Firm Care M. Coburn, Reg. No. 48,631 for Gladys H. Monroy, Reg. No. 32,430 Individual Name Signature February 6, 2002 Date CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark! Office on February 6, 2002

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Martina Placid

to: (703) 308-4242.





PATENT
Docket No. \$16082000121
Client Reference No. IN-013-IS-1A14

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on February 6, 2002 to: (703) 308-4242.

Martina Placid

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael DAN et al.

Serial No.:

09/194,164

Filing Date:

April 9, 1999

For:

ANTIGEN BINDING FRAGMENTS
THAT SPECIFICALLY DETECT
CANCER CELLS, NUCLEOTIDES

ENCODING THE FRAGMENTS, AND

USE THEREOF FOR THE

PROPHYLAXIS AND DETECTION OF

**CANCERS** 

Examiner: G. Bansal

Group Art Unit: 1642

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TECH CENTER 1600/2900

#### REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Assistant Commissioner for Patents Washington, D.C. 20231

Dear Sir:

In response to the Notice of Abandonment dated January 28, 2002 (Paper No. 11),
Applicants request reconsideration and revival of the above-referenced application.

The nature of abandonment as stated in the Notice of Abandonment was Applicant's failure to timely file a proper reply to the Office letter mailed on January 17, 2001 and remailed July 7, 2001.

Applicants note that the Office Action dated 1/17/01 was remailed on July 7, 2001, and that the response period was reset to run from July 7, 2001:





A copy of the Office Action dated July 7, 2001 resetting their esponse period to run from July 7, 2001 is enclosed.

A response with extension and fee was timely filed on January 9, 2002:

Copies of the complete filing are enclosed herewith including the U.S. Patent Office stamped return postcard indicating receipt of same, and Express Mail Label No. EL779889806US postmarked January 9, 2002.

Applicants respectfully request that the Notice of Abandonment be withdrawn and the Response be considered.

No fee is required for this Request as the Response was timely filed. However, in the unlikely event that the Patent Office determines an extension and/or other relief is required, applicant petitions for any required relief, including extensions of time, and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to <u>Deposit Account No. 03-1952</u> referencing <u>Docket No. 316082000121</u>. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated:

February 6, 2002

Bv:

Cara M. Coburn

Registration No. 46,631

for Gladys H. Monroy Registration No. 32,430

Morrison & Foerster up
755 Page Mill Road
Publisher California 0426

Palo Alto, California 94304-1018

Telephone: (650) 813-Facsimile: (650) 494-0792



### UNITED STATE DEPARTMENT OF COMMERCI United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

| APP | LICATION NO. FILING DATE                 | FIRST NAMED INVENTOR | ÁTTO!        | RNEY DOCKET NO. |
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|     |  |                      | DATE MAILED: | 87/09/01        |

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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MORRISON & FOERSTER, LLP



# UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark ffice

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PATENT Docket No. 316082000121 Client Reference No. INi013-IS-1A14

#### CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: January 9, 2002

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Martina Placid

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael DAN ct al.

Serial No.:

09/194,164

Filing Date:

April 9, 1999

For:

ANTIGEN BINDING FRAGMENTS THAT SPECIFICALLY DETECT CANCER CELLS, NUCLEOTIDES ENCODING THE FRAGMENTS, AND

USE THEREOF FOR THE

PROPHYLAXIS AND DETECTION OF

**CANCERS** 

Examiner: G. Bansal

Group Art Unit: 1642

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#### REQUEST FOR A CORRECTED FILING RECEIPT

Office of Initial Patent Examination Customer Service Center Assistant Commissioner for Patents Washington, D.C. 20231

Dcar Sir:

Please furnish the undersigned with a corrected Filing Receipt for the above-identified application. The corrections needed are as follows:

Continuing Data as Claimed by Applicant

After "THIS APPLN IS A 371 OF PCT/US97/08962 05/22/97"





Please insert --WHICH CLAIMS PRIORITY TO 08/657,449 05/22/96 ABN--A copy of the marked-up Filing Receipt is attached.

In the unlikely event that the transmittal letter is separated from this request and the Patent Office determines that a fee is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 (referencing Docket No. 316082000121). However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 9, 2002

By

Cara M. Coburn

Registration No. 46,631

for

Gladys H. Monroy Registration No. 32,430

Morrison & Foerster LLP 755 Page Mill Road

Palo Alto, California 94304-1018

Telephone: (650) 813-4218 Facsimile: (650) 494-0792





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| APPLICATION NUMBER | FIUNG DATE | GRP ART UNIT | FIL FEE REC'D | ATTORNEY DOCKET NO. | DRWGS | TOT CL | IND CL |
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| 09/194,164 0       | 4/09/99    | 1633         | \$1,952.00    | 316082000121        | 20    | 50     | 7      |

SUSAN K LEHNHARDT MORRISON & FOERSTER 1290 AVENUE OF THE AMERICAS NEW YORK NY 10104-0012

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Prease verify the accuracy of the data presented on this receipt. It an error is noted on this Fixing Receipt, please write to the Application Processing Civision's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Fixing Receipt with the changes noted thereon.

Applicant(s)

MICHAEL D. DAN, SCARSBOROUGH, CANADA; HOWARD A, KAPLAN, WINNIPEG, CANADA; PRADIP MAITI, WINNIPEG, CANADA.

CONTINUING DATA AS CLAIMED BY APPLICANT—
THIS APPLN IS A 371 OF PCT/US97/08962 05/22/97
WHICH CHIMS PRICEITY TO COLOST, 447 CS /22/96 HBW

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 05/12/99 TITLE

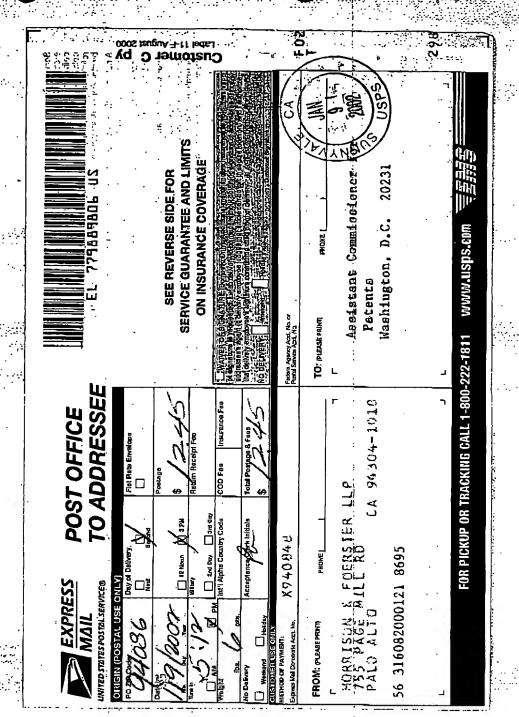
ANTIGEN BINDING FRAGMENTS THAT SPECIFICALLY DETECT CANCER CELLS, NUCLEOTIDES ENCODING THE FRAGMENTS, AND USE THEREOF FOR THE PROPHYLAXIS AND DETECTION OF CANCERS

PRELIMINARY CLASS: 435

DATA ENTRY BY: ORDONEZ, MARTA

TEAM: 11 DATE: 05/13/99





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Attorney Docket: 316082000121 Inventor(s): Michael DAN et al. Title:

Date; January 9, 2002

USSN: 09/194,164

CELLS, NUCLEOTIDES ENCODING THE FRAGMENTS, AND USE THEREOF ANTIGEN BINDING FRAGMENTS THAT SPECIFICALLY DETECT CANCER Filed: April 9, 1999

Papers enclosed:

FOR THE PROPHYLAXIS AND DETECTION OF CANCERS

ee Transmittal (1 page in duplicate, total 2 reges) Transmittal (1 page)

elition for Extension of Time (1 page) (I2 pages)

lequest for Corrected Filing Receipt (2 pages) Change of Correspondence Address (1 page) Copy of Marked-up Filing Receipt (1 page) ssociate Power of Attorney (3 pages)

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| FORM                               |                         |              | First Named Inventor Michael DAN                               |               |            |                                  |   |
|                                    |                         |              | Group Art Unit   | 1642          |            |                                  | :   |
|                                    |                         |              | Examiner Name  | G. Bansal     |            |                                  |   |
| Total Number Of Pages In This      | Submission              | 23           | Attorney Docket No.  | 316082000     | 121        |                                  | · /   |
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| Fee Attached                       |                         |              | awing(s)   | 1             |            | Appeal Comm<br>Appeals and Ir    | unication to Board of iterferences                          |
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| Firm                               |                         |              | age Mill Road, Palo Alto, CA 9430                              |               | 7.0_       |                                  |   |
| or<br>Individual Name              | Cara M. Cobum, Re       | g. No. 46.63 | it for Gladys H. Monroy, Reg. No.                              | 32,430        |            |                                  | ·<br>·  |
| Signature                          | iana                    | Co           | h~n  |               |            |                                  |   |
| Date                               | January 9, 2002         |              |  |               |            |                                  |   |
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| under 37 C.F.R. § 1.10 on          | the date indicated      | above and    | Is addressed to: Assistant C                                   | commission    | er for     | Patents, Wash                    | nington, D.C. 20231.  |
|                                    |                         |              | Martina Placid   | 1 140         | 20         | <del></del>                      |   |

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PTO/SB/17 (09-00)

Approved for use through 10/31/2002, OMB 0651-0032

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### FEE TRANSMITTAL **FOR FY 2002**

Complete if Known Application Number 09/194,164 April 9, 1999 Filing Date Michael DAN First Named Inventor G. Bansal Examiner Name Group Art Unit

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$)1,830.00 Attorney Dockel No. 316082000121

| METHOD OF PAYMENT  | FEE CALCULATION (cont |                       |                      |                       | LATION (continued)  |             |
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| Deposit<br>Account<br>Number   | Large<br>Fee<br>Code  | Entity<br>Fee<br>(\$) | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description   | Fec Paid    |
| Deposit Account Morrison & Foerster LLP Name   | 105                   | 130                   | 205                  | 65                    | Surcharge - late filing (cc or cath                                 |             |
| Charge Any Additional Fee Required Under 37 CFR 1.18 and 1.17                                  | 127                   | 50                    | 227                  | 25                    | Surcharge - late provisional filling<br>lee or cover sheet          |             |
| Applicant dalms small entity status. See 37 CFR 1.27   | 139                   | 130                   | 139                  | 130                   | Non-English specification   |             |
| . ☐ Payment Enclosed:  | 147                   | 2.520                 | 147                  | 2,520                 | For filling a request for ex parte reexamination                    |             |
|  | 112                   | 920*                  | 112                  | 820°                  | Requesting publication of SIR prior to Examiner action              |             |
| FEE CALCULATION  | 113                   | 1,840*                | 113                  | 1,840*                | Requesting publication of SIR after<br>Examiner action              |             |
| . BASIC FILING FEE   | 115                   | 110                   | 215                  | 55                    | Extension for reply within first month                              |             |
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| 101 740 201 370 Utility filing fee   | 126                   | 1,960                 | 220                  | 980                   | Extension for reply within fifth month                              | <del></del> |
| 106 330 206 165 Design filing fee  | 119                   | 320                   | 219                  | 160                   | Notice of Appeal  |             |
| 107 510 207 255 Plant filing fee   | 120                   | 320                   | 220                  | 160                   | Filling a brief in support of an appeal                             | <del></del> |
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| Claims below   | 143<br>144            | 460<br>620            | 243<br>244           | 230<br>310            | Design issue fee  |             |
| Total Claims 85 -50 = 26 x 18 = \$630.00 Independent 6 -8 = 0 x 84 = 50                        | 122                   | 130                   | 122 .                | 130                   | Pelitions of the Commissioner                                       |             |
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| 102 84 202 43 Independent stains in excess of 3  | 149                   | 740                   | 349                  | 370                   | For each additional invention to be<br>examined (37 CFR § 1.129(b)) |             |
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|---|-------------------|--|--------------------------------------|------------------|----------------|-----------------|---|
| 1 | Name (Print/Typc) | Cara M. Coburn for<br>Gladys H. Monroy | Registration No.<br>(Attorney/Agent) | 45,631<br>32,430 | Telephone<br>' | (650) 813-4218  |   |
| 1 | Signature         | Cara Commen                            |                                      |                  | Dale           | January 9, 2002 |   |

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Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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## **FEE TRANSMITTAL FOR FY 2002**

### **DUPLICATE COPY** FOR FEE PROCESSING

Patent fees are subject to annual revision.

|                      | Complete if Known |   |   |  |  |  |  |  |
|----------------------|-------------------|---|---|--|--|--|--|--|
| Application Number   | 09/194,184        | ; |   |  |  |  |  |  |
| Filing Date          | April 9, 1999     | , |   |  |  |  |  |  |
| First Named Inventor | Michael DAN       |   |   |  |  |  |  |  |
| Examiner Name        | G. Bansal         |   |   |  |  |  |  |  |
| Group Art Unit       | 1642              |   |   |  |  |  |  |  |
| Attorney Dockel No.  | 316082000121      |   | 7 |  |  |  |  |  |

| TOTAL AMOUNT OF PAYMENT   | (\$)1,830.           | ,00                               | Allomey Dox          | ckel No.              | 316082000121   |            |  |  |
|---|----------------------|-----------------------------------|----------------------|-----------------------|--|------------|--|--|
| METHOD OF PAYMENT   |                      |                                   | FEI                  | E CALCI               | JLATION (continued)  |            |  |  |
| The Commissioner is hereby authorized to charge indicated                       | 3. ADDI              | ADDITIONAL FEES                   |                      |                       |  |            |  |  |
| feas and credit any overpayments to:  Deposil Account Number                    | Large<br>Fee<br>Code | Entity<br>Fee<br>(\$)             | Small<br>Fee<br>Code | Entity<br>Fee<br>(\$) | Fee Description  | Fee Pald   |  |  |
| Depasit 1 Face to the Depasit   | 1                    |                                   |                      |                       | г  |            |  |  |
| Account Morrison & Foerster LLP   | 105                  | 130                               | 205                  | 65                    | Suncharge - late filling fee or cath   |            |  |  |
| Charge Any Additional Fee Required Under 37 CFR 1.16 and 1 17                   | 127                  | 50                                | 227                  | 25                    | Surcharge - tale provisional filing<br>fee or cover sheet                          |            |  |  |
| Applicant daims small entity status. See 37 CFR 1.27                            | 139                  | 130                               | 139                  | 130                   | Non-English specification  |            |  |  |
| 2. Payment Enclosed:  | 147                  | 2,520                             | 147                  | 2.520                 | For filling a request for ex parts reexamination                                   |            |  |  |
|   | 112                  | 920*                              | 112                  | 920*                  | Requesting publication of SIR prior  |            |  |  |
| ☐ Check ☐ Credit Card ☐ Money Order ☐ Other                                     | -1 `                 |                                   |                      | 1.840*                | to Examiner action '<br>Requesting publication of SIR after                        |            |  |  |
| FEE CALCULATION   | 1113                 | 1,840                             |                      | 55                    | Examiner action  Extension for reply within first month                            |            |  |  |
| 1. BASIC FILING FEE   | 115                  | 110<br>400                        | 215<br>216           | 200                   | Extension for reply within second  | 7          |  |  |
| Large Entity Small Entity   |                      |                                   |                      | 460                   | month<br>Extension for reply within third  | 920.00     |  |  |
| Fee Fog Fee Fee Fee Description Code (\$) Code (\$) Fee Paid                    | 117                  | 920                               | 217                  |                       | month<br>Extension for reply within fourth   | 320.00     |  |  |
| Paul  | 118                  | 1.440                             |                      | 720                   | dinom  | <b>-</b>   |  |  |
| 101 740 201 370 Utility filing fee  | 128                  | 1,960                             | 228<br>219           | 960<br>160            | Extension for reply within fifth month<br>Notice of Appeal                         |            |  |  |
| 106 330 206 165 Design filing fee   | 119<br>120           | 320<br>320                        | 220                  | 160                   | Filing a bitef in support of an appeal   |            |  |  |
| 107 510 207 255 Plant filing fee  | 121                  | 280                               | 221                  | 140                   | Request for oral hearing   |            |  |  |
| 108 740 208 370 Relssuc filing fee  | 128                  | 1.510                             |                      | 1,510                 | Palltion to institute a public use proceeding                                      |            |  |  |
| 114 1G0 214 B0 Provisional liling 188   | 140                  | 110                               | 240                  | 55                    | Polition to revive - unavoidable   |            |  |  |
| 5UBTOTAL (1) (\$)0  | 141                  | 1,280                             |                      | 640                   | Polition to revive - Unintentional   |            |  |  |
| 2. EXTRA CLAIM FEES   | 142                  | 1,28                              | 242                  | 640                   | Utility issue fee (or foissue)   |            |  |  |
| Extra Fee from Fee Paid<br>Claims below   | 143                  | 460                               | 243                  | 230                   | Design lasue fee   |            |  |  |
| Total Claims 85 -50 = 35 x 18 = \$030,00  | 144                  | 620                               | 244                  | 310                   | Plant issue fee  |            |  |  |
| Independent G - B = 0 x 84 = \$0  | 122                  | 130                               | 122                  | 130                   | Patitions of the Controlssioner  |            |  |  |
| Multiple Dependent = \$280,00   | 123                  | \$0                               | 123                  | 50                    | Petitions related to provisional applications                                      |            |  |  |
|   | 126                  | 180                               | 126                  | 160                   | Submission of Information<br>Disclosure Stat                                       |            |  |  |
| Large Entity Simali Entity Fee Fee Fee Fee Fee Description Code (\$) .Code (\$) | 591                  | 40                                | 581                  | 40                    | Recording each patent assignment<br>per proporties (limes number of<br>properties) |            |  |  |
| 109 10 203 9 Glaims in excess of 20   | 146                  | 740                               | 246                  | 370                   | Filing a submission after final rejection (37 CFR § 1.129(8))                      |            |  |  |
| 102 84 202 42 Independent claims in excess of 3                                 | 149                  | 740                               | 249                  | 370                   | For each additional invention to be examined (37 CFF; § 1.129(b))                  |            |  |  |
| 104 250 204 140 Mudiple dependent claims. If not pi                             | ud   179             | 740                               | 279                  | 370                   | Request for Continued Examination (RCE)  |            |  |  |
| Retssue Independent claims over   | - 1                  | 900                               | 169                  | 900                   | Request for expedited examination of a design application                          |            |  |  |
| Original paralli  | a                    |                                   |                      |                       | At an enemonial engineering.   |            |  |  |
| over original patent  | Olhe                 | r Ice (spe                        | cily)                |                       | · · · · · · · · · · · · · · · · · · ·  |            |  |  |
| SUBTOTAL (2) (5)910.00  | - 1744               | luced by I                        | lasic Filing Fo      | e Pald                | SUBVOTAL (3)   | (\$)920.00 |  |  |
| " or number previously paid, if greater; For relasues, see above.               | 1,460                | -Reduced by Basic Filing Fee Paid |                      |                       | (4)  |            |  |  |

| SUBMITTED BY     |  |                                      |                  | Complete (il a) | oplicable)      |
|------------------|--|--------------------------------------|------------------|-----------------|-----------------|
| Name (PrinVType) | Cara M. Coburn for<br>Gladys H. Monroy | Registration No.<br>(Allorney/Agent) | 45,631<br>32,430 | Telephono       | (650) 813-4218  |
| Signature        | Cona Giniz                             | <b>√</b>                             |                  | Date :          | January 9, 2002 |